

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 25 JUL 2005

WIPO

PCT

Applicant's or agent's file reference 1.164.002 WO	<b>FOR FURTHER ACTION</b>	
See Form PCT/IPEA/416		
International application No. PCT/NL2004/000234	International filing date (day/month/year) 08.04.2004	Priority date (day/month/year) 15.04.2003
International Patent Classification (IPC) or national classification and IPC G01V15/00		
Applicant HIGHTEEGOLF B.V.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 8 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau) a total of sheets, as follows:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</li> <li><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</li> </ul> <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</i></p>		
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Box No. I Basis of the opinion</li> <li><input type="checkbox"/> Box No. II Priority</li> <li><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li><input type="checkbox"/> Box No. IV Lack of unity of invention</li> <li><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li><input type="checkbox"/> Box No. VI Certain documents cited</li> <li><input type="checkbox"/> Box No. VII Certain defects in the international application</li> <li><input type="checkbox"/> Box No. VIII Certain observations on the international application</li> </ul>		
Date of submission of the demand 14.02.2005	Date of completion of this report 26.07.2005	
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  Swartjes, H  Telephone No. +31 70 340-2605	
		

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/NL2004/000234

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
    - international search (under Rules 12.3 and 23.1(b))
    - publication of the international application (under Rule 12.4)
    - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

### Description, Pages

1-7 as originally filed

### Claims, Numbers

1-16 received on 14.02.2005 with letter of 14.02.2005

### Drawings, Sheets

1/3-3/3 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

- The amendments have resulted in the cancellation of:
  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):
- This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/NL2004/000234

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes:	Claims	1-16
	No:	Claims	none
Inventive step (IS)	Yes:	Claims	none
	No:	Claims	1-16
Industrial applicability (IA)	Yes:	Claims	1-16
	No:	Claims	none

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.  
**PCT/NL2004/000234**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

- 1** The following document is referred to in this communication:  
D1 : WO99/53339 (ORAD HI-TEC SYSTEMS LIMITED) 21 October 1999

**2 CLARITY**

- 2.1** The application does not meet the requirements of Article 6 PCT, because independent claims 1 and 14 are not clear.

Claims 1 and 14 use both the terms "streams" and "beams", with pulse beams consisting of parallel pulse streams. It is not clear how streams are different from beams. If the word parallel is interpreted as parallel in space, the words beam and stream would appear to be equivalent, or the word beam might be interpreted as an arbitrary collection of streams.

Another interpretation might be that the beam should really be regarded as a single beam in space. In this case, the term "pulse stream" should be interpreted as "pulse sequence". In this case, however, the word "parallel" can only be interpreted as "simultaneous" and it is not clear how two simultaneous, spatially coinciding pulse streams differ from a single stream.

The application therefore lacks clarity in the sense of Article 6 PCT.

**3 INVENTIVE STEP**

- 3.1** Furthermore, the above-mentioned lack of clarity notwithstanding, the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT, and therefore the criteria of Article 33(1) PCT are not met.

The document D1 is regarded as being the closest prior art to the subject-matter

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.  
**PCT/NL2004/000234**

of claim 1, and insofar as this claim can be understood, this document shows the following features (the references in parentheses applying to this document):

A localization system (page 9, line 25), comprising

- means for generating an energy field, wherein the energy field is formed by one or more pulse streams (page 11, lines 19 to 21),
- at least one disrupting means for locally disrupting the energy field (page 11, lines 8 to 10),
- detecting means for detecting the local disruption of the energy field (page 12, lines 1 to 4),
- a control unit coupled to the detecting means for localizing the disrupting means on the basis of the detected local disruption (page 12, lines 5 to 8),
- the means for generating the energy field are adapted to transmit pulse beams of a plurality of pulse streams (page 11, lines 19 to 21).

**3.2** The subject-matter of claim 1 therefore differs from this known localizing system in that:

- at least two pulse streams are oriented parallel to each other

**3.3** The problem to be solved by the present invention may therefore be regarded as how to locate a disrupting means in a two-dimensional area.

**3.4** The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

Document D1 describes the transmitters as being installed around a racing track in such a way that each part of the track is covered by two or more transceivers (page 10, lines 24 to 26). In order to get full coverage of the track the skilled man would consider the simplest solution of placing the transmitters next to each other, so that the beams would be directed perpendicularly to the racing track and thus mutually parallel.

The subject matter of claim 1 therefore does not involve an inventive step in the

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.

PCT/NL2004/000234

sense of Article 33(3) PCT.

**3.5** For similar reasons the subject-matter of claim 14 can not be considered as involving an inventive step in the sense of Article 33(3) PCT. The document D1 is regarded as being the closest prior art to the subject-matter of claim 14, and insofar as this claim can be understood, this document shows the following features (the references in parentheses applying to this document):

A method for localizing objects or animals (page 9, line 25) using a system as claimed in claim 1, comprising the steps of:

- generating an energy field, wherein the energy field is formed by one or more pulse streams (page 11, lines 19 to 21),
- placing in the energy field at least object or animal provided with at least one disrupting means for locally disrupting the field (page 11, lines 8 to 10),
- detecting the local disruption of the energy field (page 12, lines 1 to 4), and
- localizing the object or animal on the basis of the detected local disruption (page 12, lines 5 to 8).

**3.6** The subject-matter of claim 14 therefore differs from this known localizing method in that:

- at least two pulse streams are oriented parallel to each other

**3.7** The problem to be solved by the present invention may therefore be regarded as how to locate an object or animal in a two-dimensional area.

**3.8** The solution proposed in claim 14 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

Document D1 describes the transmitters as being installed around a racing track in such a way that each part of the track is covered by two or more transceivers (page 10, lines 24 to 26). In order to get full coverage of the track the skilled man would consider the simplest solution of placing the transmitters next to each other, so that the beams would be directed perpendicularly to the racing track and thus

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.

**PCT/NL2004/000234**

mutually parallel.

The subject matter of claim 14 therefore does not involve an inventive step in the sense of Article 33(3) PCT.

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.  
**PCT/NL2004/000234**

**4 DEPENDENT CLAIMS 2-13, 15 AND 16**

Since claims 2 to 13 depend on claim 1 and claim 15 and 16 depends on claim 14, they also do not meet the requirements of Article 6 PCT.

Furthermore, the claims 2 to 13, 15 and 16 do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT).